

PTO Form 1960 (Rev 9/2007)

OMB No. xxxx-xxxx (Exp. x/xxxx)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79021385
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION (no change)	
ARGUMENT(S)	
<p>In response to the Office Action dated August 21, 2007, please note that, consistent with Applicant's prior explanation of the relatedness of the parties, the owner of Reg. No. 0868194, P.S.K. BETEILIGUNGSVERWALTUNG GMBH, has assigned the subject registration to the Applicant of the above application, L. Bösendorfer Klavierfabrik GmbH. Attached for the Examining Attorney's reference is a copy of the Assignment which is being filed with the Assignment Branch of the U.S. Patent & Trademark Office. Please note that recordal of the Assignment is still pending.</p> <p>As the Applicant is now the owner of the cited registration, it is respectfully requested that the likelihood of confusion refusal be waived, and the application be approved for publication.</p>	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2008/02/21/20080221114456604690-79021385-001_001/evi_3811218420-113841950_.assign_20080221150136.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS2\EXPORT15\790\213\79021385\xml1 RFR0002.JPG
DESCRIPTION OF EVIDENCE FILE	Copy of Assignment document
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Jonathan Moskin/
SIGNATORY'S NAME	Jonathan Moskin
SIGNATORY'S POSITION	Attorney of record

DATE SIGNED	02/21/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Feb 21 11:44:56 EST 2008
TEAS STAMP	USPTO/RFR-38.112.184.20-2 0080221114456604690-79021 385-410a453d2839a5f6207c7 53a9b4f99c260-N/A-N/A-200 80221113841950865

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OMB No. xxxx-xxxx (Exp. x/xxxx)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **79021385** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

In response to the Office Action dated August 21, 2007, please note that, consistent with Applicant's prior explanation of the relatedness of the parties, the owner of Reg. No. 0868194, P.S.K. BETEILIGUNGSVERWALTUNG GMBH, has assigned the subject registration to the Applicant of the above application, L. Bösendorfer Klavierfabrik GmbH. Attached for the Examining Attorney's reference is a copy of the Assignment which is being filed with the Assignment Branch of the U.S. Patent & Trademark Office. Please note that recordal of the Assignment is still pending.

As the Applicant is now the owner of the cited registration, it is respectfully requested that the likelihood of confusion refusal be waived, and the application be approved for publication.

EVIDENCE

Evidence in the nature of Copy of Assignment document has been attached.

Original PDF file:

http://tgate/PDF/RFR/2008/02/21/20080221114456604690-79021385-001_001/evi_3811218420-

113841950_.assign_20080221150136.pdf

Converted PDF file(s) (1 page)

Evidence-1

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Jonathan Moskin/ Date: 02/21/2008

Signatory's Name: Jonathan Moskin

Signatory's Position: Attorney of record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79021385

Internet Transmission Date: Thu Feb 21 11:44:56 EST 2008

TEAS Stamp: USPTO/RFR-38.112.184.20-2008022111445660

4690-79021385-410a453d2839a5f6207c753a9b

4f99c260-N/A-N/A-20080221113841950865

Assignment of U.S. Trademark Rights

WHEREAS, P.S.K. Beteiligungsverwaltung GmbH, a company organized under the laws of Austria (hereinafter "Assignor"), registered in the company register of the Commercial Court Vienna under the registration number FN 38124s, is the owner in the United States of the trademark BOSENDORFER (hereinafter the "Mark"); and

WHEREAS, Assignor owns U.S. Registration No. 868, 194 of the Mark upon the Principal register of the United States Patent and Trademark Office (hereinafter the "Registration"); and

WHEREAS, L. Bösendorfer Klavierfabrik GmbH, a company organized under the laws of Austria (hereinafter "Assignee"), registered in the company register of the Commercial Court Vienna under the registration number FN 34365m, is desirous of acquiring said Mark, together with the Registration and the goodwill of the business symbolized by the Mark;

NOW, THEREFORE, in consideration of one Euro (EUR 1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby assigns to Assignee its entire right, title and interest in and to the Mark and the Registration, together with the goodwill of the business symbolized by the Mark, and any right to sue and recover for any past infringements of the Mark (hereinafter "Assignment").

WHEREBY, Assignor solely represents and warrants (i) that it is the current owner of the Mark, (ii) that it is not aware of any legal deficiencies of the Mark and (iii) that, to the best knowledge of the Assignor, the validity of the Mark has not been challenged by any third party or the United States Patent and Trademark Office.

WHEREBY, the Assignee shall record the Assignment of the Mark with the Principal Register of the United States Patent and Trademark Office. All costs in connection with such registration of the Assignment will be borne by the Assignee.

WHEREBY, Assignor undertakes to forward to Assignee all documents required for the registration of the Assignment with the United States Patent and Trademark Office and to make all declarations necessary to effect the registration of the Assignment.

WHEREBY, Assignor will hand over to Assignee all relevant documents related to the Mark, as certificates of registration and renewal, prior rights agreements etc.

This Assignment is effective as of the 7 of January, 2008.

for P.S.K. Beteiligungsverwaltung GmbH for L. Bösendorfer Klavierfabrik GmbH

By: <u>Eva Jencarots</u>	By: <u>Rainer Henke</u>	<u>Christine Koebel</u>	
Printed Name: [•] <u>Eva Jencarots</u>	Printed Name: [•] <u>RAINER HENKE</u>	<u>CHRISTINE KOEBEL</u>	
Date of birth: [•] <u>16.11.63</u>	<u>31.8.1964</u>	Date of birth: [•] <u>12.11.1970</u>	<u>10.05.1948</u>
Title: [•] <u>Board Member</u>	<u>Procurator</u>	Title: [•] <u>BOARD MEMBER</u>	<u>BOARD MEMBER</u>